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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Brian Somers, Ocean
County

Administrative Appeal

CSC Docket No. 2015-989

ISSUED: NOV 06 2014

(SLD)

The Ocean County Library requests a retroactive permanent appointment date for Brian Somers, a Senior Library Assistant.

By way of background, Somers was appointed to the title of Senior Library Assistant, effective May 20, 2009 from the PC1573K eligible list. Somers resigned in good standing, effective February 12, 2011 and was reemployed, effective May 12, 2011. The appointing authority completed an Application for Reemployment, effective May 25, 2011, and submitted it to this agency. However, for reasons that are unclear in the record, a regular reemployment list was not issued, and Somers reappointment was never recorded.

In its request to the Civil Service Commission (Commission), the appointing authority argues that, due to an administrative oversight, it did not realize that Somers' reemployment was never recorded until it recently attempted to promote him. Therefore, it requests that his reemployment, effective May 12, 2011, be retroactively recorded.

CONCLUSION

N.J.A.C. 4A:4-7.10(b) provides that upon the recommendation of the appointing authority that such reemployment is in the best interest of the service, the Commission shall place the name of an employee who resigned in good standing, retired, or took a voluntary demotion on a regular reemployment list. *See also N.J.S.A. 11A:4-9(c).* The determination as to whether to place the appellant's

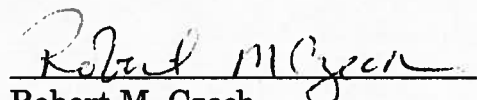
name on a regular reemployment list rests within the discretion of the appointing authority. In the instant matter, the record establishes that the appointing authority had requested that Somers' name be placed on a regular reemployment list to allow his reemployment, effective May 12, 2011. For reasons that are unclear, his Application for Reemployment was never processed by this agency and thus, no regular reemployment list was issued. However, the appointing authority has indicated that Somers was reemployed effective May 12, 2011. Therefore, based on the foregoing, Somers' permanent appointment from a regular reemployment list shall be recorded as May 12, 2011.

ORDER

Therefore, it is ordered that this appeal be granted and Brian Somers' May 12, 2011 permanent appointment from a regular reemployment list for the title of Senior Library Assistant be recorded.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF NOVEMBER, 2014


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